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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,709	07/24/2001	Chang Kwon Lee	P-0236	1806

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FLESHNER & KIM, LLP  
P.O. BOX 221200  
CHANTILLY, VA 20153

EXAMINER
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ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/910,709	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Olisa Anwah	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 24, 28 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-23, 25-27, 29-37 and 39-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 21, 23, 26, 30, 32-34, 36 and 40 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rolf, U.S. Patent No. 7,065,342 (hereinafter Rolf).

Regarding claim 21, Rolf discloses a method for transmitting a compressed digital data file (see music recording from the abstract), comprising:

receiving information identifying a receiver terminal (see unit 12 from Figure 1);

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providing a stored compressed data file list (see listing from column 9) to allow for selection of a compressed digital data file to be transmitted;

receiving data information (see informational data from column 6) identifying the selected compressed digital data file; and

transmitting (see wirelessly receive from abstract) the selected compressed digital data file from a first server (see units 14, 17 and 19 from Figures 1, 2 and 3) to the receiver terminal, wherein the data for identifying the selected compressed digital data file and the selected compressed digital data file are separately (see Figure 9a) transmittable, and

wherein the transmitting including transmitting (see downloaded from column 7) the selected compressed digital file for storage in a second server (see unit 16 from Figure 3) different from the first server, if the receiver terminal is not in a state of being available for receiving the digital data file.

Regarding claim 23, see column 7.

Regarding claim 26, see column 7.

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Regarding claim 30, Rolf discloses a method of transmitting a compressed digital data file (see music recording from abstract), comprising:

receiving information identifying a receiver terminal (see unit 12 from Figure 1);

receiving information selecting a compressed data file from a compressed data file list (see listing from column 9); and

transmitting data (see informational data from column 6) for identifying the selected compressed file to the receiver terminal, the data for identifying having a file information of the compressed digital data, wherein the data for identifying and the selected compressed data file are separately transmitted (see Figure 9a).

Regarding claim 32, see column 7.

Regarding claim 33, see column 7.

Regarding claim 34, see column 7.

Regarding claim 36, see column 7.

Regarding claim 40, see column 7.

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3. Claims 41-53 and 55-57 are rejected under 35 U.S.C. § 102(e) as being anticipated by Gold et al, U.S. Patent No. 7,082,469 (hereinafter Gold).

Regarding claim 41, Gold discloses a method for receiving and reproducing a digital data file (see MP3 file from column 3) in a device, comprising:

receiving first information for identifying the digital data file and second information for identifying a source of the digital data file, wherein the device is designated by information inputted in a transmitting device by a sender which includes the phone number of the device;

determining whether to receive the digital data file or not, whether to receive the digital data file or not, wherein the determining includes providing the first information and the second information, providing a partial part of the digital file to be transmitted, and reproducing the partial part of the received digital data file (see Figures 1a and 1b).

Regarding claim 42, see Figures 1a and 1b.

Regarding claim 43, see Figures 1a and 1b.

Regarding claim 44, see Figures 1a and 1b.

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Regarding claim 45, Gold discloses a method for transmitting a compressed digital data file (see MP3 file from column 3), comprising:

providing an input window for inputting information of a receiver terminal, wherein the input information being provided to the receiver terminal with information for identifying a source of the digital data file, and

selecting at least one digital data file from a list to be transmitted, wherein a title name of the selected data file is separately transmitted with the selected digital data file (see Figures 1a and 1b).

Regarding claim 46, see column 10.

Regarding claim 47, see Figures 1a and 1b.

Regarding claim 48, see Figure 1b.

Regarding claim 49, see Figure 1b.

Regarding claim 50, Gold discloses a method for receiving a compressed digital data file, comprising:

displaying a received guide message;

displaying an identifying message of the compressed digital data file;

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determining whether or not to receive the compressed digital data file by checking the identifying message;

displaying a receiving state of the compressed digital data file; and

displaying a complete message when the compressed digital data file is received (see Figures 3-8 and 13).

Regarding claim 51, see Figures 3-8 and 13.

Regarding claim 52, see Figures 3-8 and 13.

Regarding claim 53, see Figures 3-8 and 13.

Regarding claim 55, see column 3.

Regarding claim 56, see Figures 3-8 and 13.

Regarding claim 57, see Figures 3-8 and 13.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.



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5. Claims 22, 27, 29, 31, 37 and 39 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rolf.

As per claim 22, Rolf discloses the data information for identifying includes a synchronization code informing transmission of the compressed digital data file and a type (see CD type from column 5) and name (see title from column 5) of the data file.

Further regarding claim 22, Rolf falls short of disclosing the recognition data includes the capacity of the data file. Regardless, "Official Notice" is taken that this limitation is both old and well known in the art. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rolf wherein the recognition data includes the capacity of the data file. This modification would have improved the convenience of Rolf by displaying recording data associated with a particular music recording as suggested by Rolf (see column 11).

Regarding claim 27, Rolf discloses a digital transmitting/receiving terminal (see Figure 4), comprising:

a display (see unit 24 from Figure 4) for outputting visual digital data;

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a compressed digital outputting circuit (see unit 34 from Figure 4) for outputting compressed digital data (see music recording from abstract);

a key pad (see unit 22 from Figure 4) for generating input digital data according to a user's input command;

a memory (see unit 26 from Figure 4) for storing digital data;

a wireless transmitting/receiving circuit (see unit 40 from Figure 4) for transmitting and receiving digital data;

a controller (see unit 20) for controlling flow of the digital data;

wherein the controller includes a data discriminating function to discriminate whether the digital data received by the wireless transmitting/receiving circuit includes recognition data having a file information (see informational data from column 6) of the compressed digital data, and wherein the recognition data and the corresponding compressed data are separately (see Figure 9a) transmitted/received and wherein the recognition data includes a synchronization code informing transmission of a compressed digital data and a type (see CD type from column 5) and name (see title from column 5) of the data file.

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Further regarding claim 27, Rolf falls short of disclosing the recognition data includes the capacity of the data file. Regardless, "Official Notice" is taken that this limitation is both old and well known in the art. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rolf wherein the recognition data includes the capacity of the data file. This modification would have improved the convenience of Rolf by displaying recording data associated with a particular music recording as suggested by Rolf (see column 11).

Regarding claim 29, see column 7 of Rolf.

Claim 31 is rejected for the same reasons as claim 22.

Regarding claim 37, Rolf discloses a digital data terminal (see unit 12 from Figure 1), comprising:

- a compression digital circuit (see unit 34 from Figure 4) to provide compressed digital data;

- a memory (see unit 26 from Figure 4) to store compressed digital data;

- a wireless transmitting/receiving circuit (see unit 40 from Figure 4) to transmit and receive digital data;

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a controller (see unit 20 from Figure 4) to control a flow of digital data, wherein the controller determines whether received digital data includes recognition data (see informational data from column 6) to recognize a compressed data file, and wherein the recognition data and the compressed data file are separately transmitted/received and wherein the recognition data includes a synchronization code informing transmission of a compressed digital data file and a type (see CD type from column 5) and name (see title from column 5) of the data file.

Further regarding claim 37, Rolf falls short of disclosing the recognition data includes the capacity of the data file. Regardless, "Official Notice" is taken that this limitation is both old and well known in the art. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rolf wherein the recognition data includes the capacity of the data file. This modification would have improved the convenience of Rolf by displaying recording data associated with a particular music recording as suggested by Rolf (see column 11).

Regarding claim 39, see column 7 of Rolf.

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6. Claims 25 and 35 are rejected under 35 U.S.C § 103(a) as being unpatentable over Rolf in view of Hori et al, U.S. Patent No. 6,792,280 (hereinafter Hori).

Regarding claim 25, Rolf fails to disclose the state of the receiver terminal being not available for receiving the digital data file means it is not possible to check the state of the receiver terminal. All the same, Hori discloses this feature (see column 15). As a result, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rolf wherein the state of the receiver terminal being not available for receiving the digital data file means it is not possible to check the state of the receiver terminal as taught by Hori. This modification would have improved the convenience of Rolf by allowing the delivery server to send multiple notifications as suggested by Hori (see column 15).

Claim 35 is rejected for the same reasons as claim 25.

7. Claim 54 is rejected under 35 U.S.C § 103(a) as being unpatentable over Gold.

Regarding claim 54, Gold discloses the data information includes sync header information (see Figures 3-8 and 13). Gold falls short of disclosing that the data information includes

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size information and format information. "Official Notice" is taken that this limitation is both old and well known in the art. Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gold wherein the data information includes size information and format information. This modification would have improved the convenience of Gold by providing showing the results of a song database query as suggested by Gold (see column 8).

#### ***Response to Arguments***

8. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned

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are 571-273-8300 for regular communications and 571-273-8300 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 571-272-2600.

O.A.  
Olisa Anwah  
Patent Examiner  
December 20, 2006

Olisa Anwah